### UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lim et al. Examiner: Danh C. Le Serial No: 10/717.068 Group Art Unit: 2617

 Serial No:
 10/717,068
 Group Art Unit:
 2617

 Confirmation No:
 7235
 Docket:
 SBL01514

Filed: November 19, 2003 Dated: April 12, 2010

Filed: November 19, 2003 Dated: April 12, 2010

For: MODULAR ACCESS POINT

Mail Stop: Petitions Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

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I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via the Office's electronic filing system on April 12, 2010.

TUD: TH L. AHRENS

### PETITION UNDER 37 C.F.R. §§1.181(a)

Sir

Applicants hereby petition to the USPTO to withdraw the holding of abandonment in the above-identified application under 37 C.F.R. §§ 1.181(a). This is the second such petition filed by Applicant. A copy of the first such petition is attached hereto.

A Notice of Abandonment was mailed in the present application on May 20, 2008, indicating the Applicants' failure to timely pay the required issue fee and publication fee. (See attached Notice of Abandonment of 5/20/08). Applicants respectfully submit that the holding of abandonment should be withdrawn because the required fees were timely filed.

A Notice of Allowance was issued in the present application on January 25, 2008. See attached Notice of Allowance of 1/25/08). On March 26, 2008, within the statatory three-month period, Applicants filed three (3) sheets via facsimile transmission: a Fee Transmittal, a Fee Address Indication Form, and a Credit Card Payment. The aboveidentified documents are attached hereto, together with Applicants' facsimile transmission report.

In addition, on March 26, 2008, Applicants received an Auto-Reply Facsimile Transmission from the USPTO indicating that three (3) sheets were received by the USPTO, and showing the Applicants' Fee Transmittal as the first received page. A copy of the Auto-Reply Facsimile Transmission is attached hereto. Correspondence may be considered timely filed if it is transmitted to the Office by facsimile prior to the expiration of the specified period. (See 37 C.F.R. §§ 1.8(a)(1)(i)(C), 1.6(a)(4).) Thus, Applicants respectfully submit that the issue and publication fees were timely filed, and that the holding of abandonment should therefore be withdrawn.

Therefore, Applicants petition under 37 C.F.R. §§ 1.181(a) and 1.8(b) to withdraw the holding of abandonment in the present application. Favorable consideration of the Petition is respectfully requested.

Respectfully submitted,

By:

Please send correspondence to: Symbol Technologies, Inc.

ATT: Patent Administrator

1303 East Algonquin Rd.

Customer Number: 22917

Schaumburg, IL 60196

y: Michael Giapnetta
Attorney for Applicants

Registration No. 42,574 Tel. No. (631) 738-5091 Fax No. (847) 576-3750

Email: michael.giannetta@motorola.com

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Attorney Docket No.: 40116/03601 (1513/1514)

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Lim et al.

Serial No. : 10/717.068

Filed : November 19, 2003

For : Modular Access Point

Group Art Unit : 2617
Confirmation No. : 7235
Examiner : Danh C. Le

Mail Stop: Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §§ 1.181(a)

Applicants hereby petition to the USPTO to withdraw the holding of abandonment in the above-identified application under 37 C.F.R. §§ 1.181(a). A Notice of Abandonment was mailed in the present application on May 20, 2008, the Applicants' failure to timely pay the required issue fee and publication fee. (See 5/20/08 Notice of Abandonment, p. 1.) Applicants respectfully submit that the holding of abandonment should be withdrawn because the required fees were timely filed.

A Notice of Allowance was issued in the present application on January 25, 2008. (See 1/25/08 Notice of Allowance.) Issue and publication fees must be paid within three months from the mailing date of a Notice of Allowance in order to be timely. On March 26, 2008, within the stated three-month period, Applicants filed three (3) sheets via facsimile transmission: a Fee

Transmittal, a Fee Address Indication Form, and a Credit Card Payment. The above-identified documents are annexed hereto, together with Applicants' facsimile transmission report. In addition, on March 26, 2008, Applicants received an Auto-Reply Facsimile Transmission from the USPTO indicating that three (3) sheets were received by the USPTO, and showing the Applicants' Fee Transmittal as the first received page. A copy of the Auto-Reply Facsimile Transmission is annexed hereto. Correspondence may be considered timely filed if it is transmitted to the Office by facsimile prior to the expiration of the specified period. (See 37 C.F.R. §§ 1.8(a)(1)(i)(C), 1.6(a)(4).) Thus, Applicants respectfully submit that a the issue and publication fees were timely filed, and that the holding of abandonment should therefore be withdrawn.

Therefore, Applicants petition under 37 C.F.R. §§ 1.181(a) and 1.8(b) to withdraw the holding of abandonment in the present application. Favorable consideration of the Petition is respectfully requested.

Respectfully submitted,

Dated: July 9, 2008

Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP

150 Broadway, Suite 702 New York, New York 10038 Tel.: (212) 619-6000 Fax: (212) 619-0276 USPTO 3/26/2008 11:47 D:Auto-reply fax to 2126190276 COMPANY:

3/26/2008 11:47:56 AM PAGE 1/001 Fax Server

# **Auto-Reply Facsimile Transmission**





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717 668	11/19/2001	Hul-Leng Lim	40116/03601	7235

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PUBLICATION FER DUE PREV. PAID ISSUE FEE TOTAL PEE(S) QUE DATE OUE APPLIN TYPE SMALL ENTITY ISSUE FRE DUE \$1700 M/25/2008 NO \$1440 nongravisional 224 CARIE 224 CA AKY UNIT EXAMINER

455-090300 LE, DANH C 2617 Change of correspondence address or indication of CFR 1.363). 2. For printing on the petent front-page, list Fay Kaplun & Marcin, LLP (1) the names of up to 3 registered patent at or agouts OR, alternatively. Change of correspondence address (or Change of Address form PTO/SB/122) attached. (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If so name is listed, no name will be printed. Address form PTO/SB/122) attached.

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PART B - FEE(S) TRANSMITTAL



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1459 Alexandra Virgina 22313-1450

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,068	11/19/2003	Hui-Leng Lim	40116/03601	7235
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		Notice of Abandonmer	nt	
This application is ab	andoned in view of:			
		proper reply to the Office letter mailed on		
(a) A renly wa	s received on	(with a Certificate of Mailing or Tran	smission date	), which is after th
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(b) A proposed	reply was received of	on, but it does not constitute a 37 CFR 1.113 to a final rejection consists o	proper reply under 37	CFR 1.113(a) to the lin
rejection. (/	filed amendment whi	ch places the application in condition for al	llowance:	
(2) a timely	filed Notice of Annea	l (with appeal fee):		
(3) a timely	filed Request for Cor	ntinued Examination (RCE) in compliance v	with 37 CFR 1.114).	
(c) A reply was	s received on	but it does not constitute a proper rep FR 1.85(a) and 1.111. (See explanation in	ply, or a bona fide atte	mpt at a proper reply,
(d) No reply ha		FR 1.05(a) and 1.111. (See explanation in	box e bolowy.	
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Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

5. 

The letter of express abandonment which is signed by an attorney or agent (acting In a representative capacity under 37 CFR

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

 The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ court review of the decision has expired and there are no allowed claims.

1.34(a)) upon the filling of a continuing application.

Patent Publication Branch Office of Data Management

7. The reason(s) below:





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### NOTICE OF ALLOWANCE AND FEE(S) DUE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	. CONFIRMATION NO.
10/717,068	11/19/2003.	Hui-Leng Lim	40116/03601	7235
TITLE OF INVENTION: M	ODULAR ACCESS POINT	· ·		

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUR
nonprovisional	NO	\$1440	\$300	\$0	\$1740	04/25/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.

PROSECUTION ON THE MERITYS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS.

THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 3T CFR. 1313 AND MPPE 1303.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. IS: THE ISSUE FEE DUE INICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PAID BOTH THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

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If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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B. If the status above is to be removed, check box 5b on Part B - Fec(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II, PART B. - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trudemark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "46" of Part B. - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

### PART B - FEE(S) TRANSMITTAL

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APPLICATION NO.	FILING DATE	<del> </del>	FIRST NAMED INVEN	TOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717.068	11/19/2003		· Hui-Leng Lim		40116/03601	7235
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APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE I	UE PREV. PAID ISSU	JE FEE TOTAL FEE(S) DU	JE DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740.	04/25/2008
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/717,068	11/19/2003	Hui-Leng Lim	40116/03601	7235
30636 759	0 01/25/2008		EXAM	INER
FAY KAPLUN &	MARCIN, LLP		LE, DA	NH C
150 BROADWAY	SUITE 702		ART UNIT	PAPER NUMBER
NEW YORK, NY I	0038		2617 · DATE MAIL ED: 01/25/2008	

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 188 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and å half months) after the mailing date of this notice, the Patent Term Adjustment will be 188 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.